84-911

NO. _____

FILED
DEC 10 1984
ALEXANDER L. STEVAS,
CLERK

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1984

(1) ERICH KOKER and BEATRICE E. KOKER
Husband and wife, Plaintiffs,

V

NOEL B. SAGE and WINETTA SAGE,
Husband and wife, Defendants.

---

(2) ERICH KOKER and BEATRICE E. KOKER
Husband and wife, Appellants,

V

FREDERICK V. BETTS, FROM LAW FIRM
OF BETTS PATTERSON & MINES,
Respondents.

---

(3) ERICH KOKER and BEATRICE E. KOKER
Husband and wife, Appellants,

V

FREDERICK V. BETTS, FROM LAW FIRM
OF BETTS PATTERSON & MINES,
Appellees.

JURISDICTIONAL STATEMENT

ON APPEAL FROM THE SUPREME COURT OF THE STATE OF WASHINGTON

Beatrice E. Koker
Erich Koker
939 North 105th Street
Seattle, Washington
98133

(206) 783-6998
Appellants Pro Se

Parties To This Action: 2. and 3.

EXTENSION OF TIME GRANTED APPENDIX PART II-T

EDITOR'S NOTE

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QUESTIONS PRESENTED

WHETHER an attorney who represented a client by breach of fiduciary duty and bad faith and betrayal in trial of 1976, who committed proven malpractice acts still on record unajudicated and denied summary judgment, and this attorney who by law has forfeited his right to any compensation, be paid contingency fees from a court trust fund when there is forfeiture of all compensation by law?

WHETHER a Superior Court Judge issued a court order voidable as issued unlawfully and unconstitutionally disbursing court trust funds for payment of legal malpractice acts as services rendered?

WHETHER the Superior Court Judge had jurisdiction of the subject matter and the person and has the ancilliary special proceeding controversy been pursued in the proper proceeding by law in order to be authorized to make a determination and disbursement of court trust?

WHETHER there was determination to disburse court trust funds adverse to the Constitution of the United States affecting the rights of the Kokers?

WHETHER when Mr. Betts did-not make any proof of rendered services, and did-not meet the criteria of compensation in any way, is the court order invalid?

WHETHER the court order disbursing trusted court funds be reversed for two reason: (1) forfeiture. (2) Betts did-not meet the criteria of attorney fees under ordinary circumstances?

WHETHER an attorney "under color of law" claimed under affidavit the court trust funds disbursement in silence and concealment, when he knew the controversy was still in issue, shall escape second degree perjury and still be awarded the contingency fees?

WHETHER the court trust fund is my property?

WHETHER the State Supreme Court has denied a constitutional right to access to the courts, and the right to be heard in their rejection of this case denying direct review and discretionary review when the court knew the proceedings are supplementary to judgment in special proceedings and appealable?

WHETHER another constitutional right is denied in access to the court when the Commissioner and Clerk of the State Supreme court make all the initial judicial rulings of this controversy?

WHETHER "filed with no further action" defeats the purpose of the motion constitutionally?

WHETHER EVADING AND AVOIDING AND IGNORING the issues on appeal are rights denied unconstitutionally or not given due recognition by the state court unconstitutionally is a question as to which plaintiffs are entitled to and asking to invoke the judgment of the United States Supreme Court?

WHETHER the state Supreme Court has made a meaningless appeal by evading, avoiding and ignoring the issues presented by Beatrice E. Koker, and totally evaded, avoided and ignored the wrong committed on appeal by Frederick V. Betts in obtaining the court trust funds under color of law and in second degree perjury, and the Court Commissioner judicially ruling and evading, avoiding, ignoring is upheld by the court by refusing to modify and omit such atrocities?

WHETHER the caseload of the courts, a national disgrace, is denying access to the courts by rules, statutes repugnant to the United States Constitution, laws, that lift the caseload by barring the way to access to the courts?

WHETHER A court congestion act by the State legislature carefully explained to lift the caseload only, shall be declared unconstitutional as depriving the Kokers and others to the

access to courts in all controversies in the proper Constitutional? Repugnant to Const?

WHETHER the "rendered services" of F. V. Betts shall relate back to the record of Cause 864509 and the proof that rendered services are legal malpractice denied summary judgment, proof of forfeiture of fees and costs, and be re-examined through the power of the United States Supreme Court?

WHETHER APPENDIX C-13 Part I, a letter from State Supreme Court stating the meaningless appeal, denial of civil rights and denial of federal rights have been considered and denied by the State Supreme Court is ruling to invoke jurisdiction of the United States Supreme Court?

WHETHER when there is established a right to review to State Supreme Court from Court of appeals, a statute denying that right be repugnant to the Constitution of the United States via statute RCWA 2.06.030?

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OPINIONS BELOW

Superior Court: ORDER DISBURSING COURT TRUST FUNDS for contingency fees of a trial of 1976, made to former attorney who was prior to this case at hand denied summary judgment for legal malpractice acts, omissions and legal wrongs. Motion for Reconsideration denied. APPENDIX B-1 and B-2:

Supreme Court-State: ALL RULINGS in State Supreme Court of Washington in this case are made by the Commissioner or Clerk of that court in judicial rulings. No help from the Justices.(Admitted Justices Seldom Overrule.)

Direct review denied. Discretionary review denied. All issues ignored including the ORDER. Second degree perjury committed on appeal by Appelle Betts was ignored, evaded, and avoided by the Commissioner. The Supreme Court Justices were appealed to time and again and ultimate denial. Two documents filed "with no further action" thus

denying Beatrice Koker access to the court. This is an opinion-court-report of a meaningless appeal.

The opinions, rulings, non-rulings, evading-avoiding-ignoring issues and facts and evidence are presented in the Appendix C-1 Through C-13:

OBJECTIONS TO THE COMMISSIONER'S OPINION RULING OF APRIL 12, 1984 WERE SENT BY MAILGRAM **APPENDIX D:**

The last ruling before the State Supreme court upheld the Court Clerk "filing with no further action" a motion for the Justices to consider their own ruling upholding the entire meaningless appeal Judicial Rulings by Clerk or Commissioner. APPENDIX C-12 and C-13:

The Superior Court Judge disbursed court trust funds to pay contingency fees for malpractice acts. The State Supreme Court upheld the ruling by total rejection of the appeal without cause. "Under color of law" act ignored.

GROUNDS ON WHICH THE JURIDICTION OF THE UNITED STATES SUPREME COURT IS INVOKED

This instant case of disbursement of court trust funds is a matter appropriate for this Court's review. Appellee Betts did-not have ANY right to the court trust funds at issue, due to his own forfeiture by choice. Therefore, there is lack of claim for compensation on any theory. Claim fails as a matter of law.

There is constitutional edict to access to courts. This command is deprived when the Clerk and Commissioner of the State Supreme Court are cloaked with forbidden power to make judicial rulings. ARTICLE III NOTE 66 and 67 of the CONSTITUTION OF THE UNITED STATES:

> Note 66: Clerks of Courts: "Congress has no authority to confer judicial power upon clerks of courts, for under this section the judicial power of the United States can only be vested in and be exercised by courts created and established by law to expound and administer the law in application to the causes and controversies which may come before them in due course of legal procedure." State v Sullivan, D.D.N.C. 1892, 50 Fed 593:

Note 67: Commissioner, United States:

> "A united States Commissioner is neither a court nor the judge of any court, nor is he vested by law with any part of the judicial power of the United States, for the judicial power is vested in the Supreme Court and such "inferior courts as the Congress may from time to time ordain and establish," and cannot be vested in a commissioner, who is neither made a court, nor empowered to hold a court in the constitutional sense. He is an inferior officer of the court, appointed by it by the authority of Congress, with defined and circumscribed powers, but no part of the judicial power of the United States is vested in him, nor can it be." IN RE SING TUCK C.C.N.Y (1903) 120 F 386:

Even the law clerks get into the act of judicial participation. A law clerk has written an article admitting his part in court opinions, an unconstitutional court allowing court power to a law clerk. Quoting from "LAW CLERKS WITH THE COURT OF APPEALS" from Washington State Bar News, March 1980 page 20:

> "He (the Judge) would draft an opinion on one case for me to review, edit, etc., and I would do the same on the next case. Thus I can look back and read many opinions that were entirely my product.

"On other occasions, I totally rewrote one of my judges' opinions to a different result and was pleased that he accepted my reasoning and persuaded his fellow judges to adopt it as the opinion of the court."

A relentless search for rule, statute, authority and Constitutional law that would give the State Courts any legal right to "file with no further action." There is nothing to allow this deprivation of access to the court. Therefore, it is a court-made expedient to be rid of unpopular controversies, to lighten the caseload and/or expel the unwanted or riddance of the overflow.

The caseload is a nemesis to justice.

ARTICLE III §1 Note 121: "Responsibility of the Judiciary - Generally"

"The courts cannot create a new constitution and laws and court-made rules of expediency must not be placed above the Constitution." American Federation of Labor V Watson D.C. Fla 1945, 60 F Supp 1010 (Reversed on other grounds)

The Clerk of the State Supreme Court "filed with no further action" a document of Beatrice E. Koker. The Justices upheld such a ruling of the clerk. Access to the court is once again intercepted, blocked and denied.

There is absolutely no power of the Clerk of the court in his ministerial duties by law, to "file with no further action". To be upheld by the Justices, points to lifting the caseload again.

In 15A AM JUR 2d 158-159 S23: CLERKS OF THE COURT POWERS AND DUTIES FILING PAPERS QUOTE:

"When the statute requires the clerk of the court to file all papers delivered to him to be filed, he is not concerned with the merit of the papers nor with their effect and interpretation. The clerk has no discretion in the matter of filing papers recognized by law as properly belonging in the record of causes. It is not for the clerk to inquire into the purposes or contents of such papers, or into the circumstances giving rise to them or attending their preparation. The power to make any decision as to the propriety of any paper submitted, or as to the right of a person to file such a paper, is vested in the court, not the clerk. However, where a statute makes it the duty of the clerk of court to file a

> Particular document, a judge is without authority to interfere with such filing." (Cases Omitted)

The powers and duties of court clerks in RCW 2.32.050 does not permit the clerk of the State Supreme Court to "file with no further action." This action by the clerk estopped access to the justices who have never in the past 8½ years of pro se order, ever overturned a ruling of a Commissioner or Clerk.

In 15A AM JUR 2d p 156 §21 , the Clerk's actions (even against his personal judgment) are more duty to the Justices of the Court than to the soverign. THE CLERK MUST OBEY THE JUSTICES Quoting Section 21 p 156:

> "In the performance of his duties as a ministerial officer of the court, the clerk is subject to the control of the court. If he fails to obey any order of the court, he may be guilty of contempt, even when the order is erroneous in law."

If the court has directed the clerk to file with no further action, the clerk must do so or be in contemp of court.

STATE STATUTE REPUGNANT TO
THE CONSTITUTION OF THE
THE UNITED STATES - RE: CASELOAD

The purpose of this statute is to lift the caseload by the economic financial squeeze play.

THE STATUTE IS: Washington Law 1981, State Of Washington. Chapter 331 Sec §1 - §16: p 1560:

QUOTE

"Be it enacted by the Legislature Of the State of Washington:"

NEW SECTION: Section 1. "Recognizing the value of providing the people of the state of Washington with justice delivered in an expeditious fashion, recognizing the need to assure the people of the state of Washington that the quality of our judicial system will not be placed in jeopardy, and recognizing the need to avoid congestion of the courts at all levels of our judicial system, the legislature hereby enacts this Court Congestion Reduction Act of 1981."

Sec 2 Section 1, Chapter 151, Laws of 1903 as last amended by section 2, chapter 107, Laws of 1971 ex. sess. and RCW 2.32.070 are each amended to read as follows:

"The clerk of the supreme court and the clerks of the court of appeals shall collect the following fees for their official services:"

"Upon filing his first paper or record and making an appearance, the appellant or petitioner shall pay to the clerk of said court a docket fee of (twenty-five) one hundred dollars."

THE LEGISLATURE INCREASED THE DOCKET FEE FOR FILING APPEALS "to avoid congestion of the courts." In my own personal grievance there is hardship. I must borrow money on our home to seek justice in the courts. This meant I had to borrow $100. instead of $25.

The aid to the congestion of the courts by this method to control and lift the case-load is an out-and-out act to thwart the right of access to the courts and the right to due process. REPUGNANT TO THE CONSTITUTION OF THE UNITED STATES. Denial access to courts.

The Legislature of Washington State expected repercussions to their Court Congestion Act of 1981. Quoting Sec §16:

NEW SECTION. SEC 16: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons

persons or circumstances is not affected."

There is a substantial matter in that such a statute as the Court Congestion Reduction act is adverse to my financial circumstances. The adversity is of public interest, import, and concern for access to the courts. Only an indigent could escape the increase in docket fee for appeal.

It is my protected right to appeal in either the State Supreme Court or a Court of Appeals. This statute is constitutionally repugnant and invalid as applied because it operates to deprive an individual of a protected right as access to the courts, even if the measure enacted in the legitimate exercise of state power is beyond question. As in LITTLE V STREATER 452 US 1: 101 S Ct 2202, 68 L Ed 2d 627: (1981):

"There are few limits that can be placed on the court's caseload intake without depriving some citizens of their right to justice." Seattle Times Saturday October 8, 1983 Page A-4:

Grounds For Jurisdiction Invoked

STATE STATUTE REPUGNANT
TO THE CONSTITUTION OF
THE UNITED STATES

Washington Law 1981, State Chapter 331 Sec §1 - §16 p 1560: Word "shall" is used:

"The use of the term "shall" in the statute creates a presumption that the legislature intended to create a duty rather than confer discretion." Crown Cascade, Inc v O'Neal 100 Wn 2d 256 (1983)

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8 Pacific Digest 624 "Constitutional Law" Wests Key 13 "Intent and Policy" (1975)

"If a constitutional provision is plain and unambiguous on its face, then no construction or interpretation is necessary or permissible." State exrel Anderson v Chapman 543 P 2d 229, 86 Wn 2d 189:

2A United States Supreme Court Digest 169 §732 "Repugnancy to Federal Law and Constitution - Generally."

"In a case before the Supreme Court in which a state law is claimed to be in contravention of the United States Constitution, it has jurisdiction of the ENTIRE CASE AND ALL QUESTIONS INVOLVED IN IT."(Emphasis Mine) Scott v Donald 165 US 58, 17 S Ct 265, 41 L ed 632:

"Repugnant Statute"
"Cases"

STATE STATITE REPUGNANT
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12B United States Supreme Court Digest 84
§38.5 "Legislative intention as to retention of valid portion generally"

"In the absence of a legislative declaration that the invalidity of a portion of a statute shall not effect the remainder, the presumption is that the legislature intends the act to be effective as an entirety."
Williams V Standard Oil Co.
278 US 235, 49 S Ct 115, 60 ALR 596,
73 L Ed 287:

10 Wests Pacific Digest 202
CONSTITUTIONAL LAW "Courts to Be Open"

"In order to assess Constitutionality of both the nature of the asserted right and the reasons for restrictions placed upon it by the state must be considered." Carter V University of Washington 536 P 2d 618, 85 Wash 2d 391 Appeal after remand 554 P 2d 338, 87 Wash 2d 483:

2 United States Supreme Court Digest 281
§199 "State Courts"

"A case in which the appellant challenged, on federal Constitutional grounds, a state statute, is properly before the United States Supreme Court on appeal." Mishkin v NY 383 US 502:

STATE STATUTE REPUGNANT TO
THE CONSTITUTION OF THE
UNITED STATES

The "right" to direct review to State Supreme Court from appellate Court is taken away. TITLE 1 Rule 1.1 Scope of Rules §3003:

Review Of Decision Of The Court Of Appeals

"There is no longer a right to review of a decision of the Court of Appeals in the Supreme Court. Review by the Supreme Court of a Court of Appeals decision is discretionary only. This change was made by the Legislature in 1979 by amending RCWA 2.06.30:

To assess the repugnancy of this state statute and the Court Congestion Reduction Act of 1981, both must be weighed in the light of caseload reduction which in turn intercepts constitutional rights which is repugnant to the Constitution of the United States.

The rights are first protected by the Constitution of the United States. And the States at first follow the Constitution and then in throes of caseload, deny the rights.

THE STATE STATUTE REPUGNANT
TO THE CONSTITUTION OF THE
UNITED STATES

28 USCS §1257 p 692 Note 167:
"Validity of state statute sustained against alleged unconstitutionality."

"Where final decision of state court has sustained validity of state statute challenged on federal constitutional grounds, appeal to United States Supreme Court lies as a matter of right under 28 USCS §1257:
Huffman v Pursue Ltd. (1975) 420 US 592, 43 L Ed 2d 482, 95 S ct 1200, Rehearing denied 421 US 971, 44 L Ed 2d 463, 95 S Ct 1969:

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28 USCS §1257 692 Note 167:
Validity of State Statute Sustained Against Alleged Unconstitutionality."

"Ruling of highest state court **DENYING REVIEW** of orders ot state public utilities commission issued pursuant to specific statutory authority and challenged as violation Federal Constitution amounts to a decision in favor of validity of statute upon which orders were based and is reviewable by United States Supreme Court upon appeal under 28 USCS §1257(2), permitting Supreme Court review upon appeal of judgment of highest state courts where repugnancy of state statute to Federal Constitution is presented and the highest state court has decided in favor of validity of statute."
Atchison, T & S.F.R. Co V Public Utilities Commission (1953) 346 US 346, 98 L Ed 51, 74 S Ct 92 and 372 US 58, 9 L Ed 2d 584, 83 S Ct 631:

"Cases"

STATE STATUTE REPUGNANT TO THE
UNITED STATES CONSTITUTION

28 USCS §1257 p 692 Note 167
"Validity of state statute
sustained against alleged
unconstitutionality

"Jurisdiction of Supreme Court of United States is properly invoked by appeal under 28 USCS §1257 where state court judgment sought to be reviewed upholds state statute against contention that on its face and as supplied statute violates Federal Constitution."
Bantam Books, Inc (1963) V Sullivan
372 US 58, 9 L Ed 2d 584, 83 S Ct 631:

28 USCS §1257 Note 144
§1315 "Generally

"The Supreme Court will determine the constitutional validity of a statute, though it is not assailed, where the question is inherently fundamental."
294 US 648, 55 S Ct 595, 79 L Ed 1110:

In OSBORN V PUBLIC HOSPITAL 80 Wn 2d 201, 492 P 2d 1025 (1972) "Issues Not Raised in Trial Court": Quote:

"The court on appeal may consider any statute of this state which pertains to the issues before the trial court even though the statutes are cited for the first time on appeal."

"Second Degree Perjury"
"On Appeal"

"UNDER COLOR OF LAW TO INVOKE JURISDICTION"

Appellee Betts has forfeited his right to compensation in malpractice acts, he calls rendered services. Then - - while the appeal to State Supreme Court is in controvery, F. V. Betts in an act under color of law claimed the court trust funds by signing an affidavit that he was the owner, when in fact he is not. Then concealed the entire transaction from the Superior Court, State Supreme Court and Beatrice Koker. Second Degree Perjury: RCW 9A.72.030:

He was actually paid the funds. Appellant made discovery and reported it to the proper people including State Supreme Court. The issue was not even considered, when the seriousness qualifies for reversal of appeal. APP J-1:

Disbursement department was notified not to disburse twice. APPENDIX H-1 and H-2: Part I

The State Official and County Official obtained the funds from Mr. Betts: APPEND: I-1 &2: Part I

Grounds For Jurisdiction Invoked

"Second Degree Perjury"
"On Appeal"

In STATE V CASE (1915) 88 Wn 694, 153 P 1070 it says that in authority, the fact that defendant who submitted false audit and received his true bill would have been paid if rendered, will not excuse him.

A person is guilty of perjury in the second degree if, with the intent to mislead a public servant in the performance of his duty, he makes a materially false statement, which he knows to be false under an oath required or authorized by law. RCW 9A.72.030 (1)(2):

"The court on appeal may consider any statute of this state which pertains to the issues before the trial court even though the statutes are cited for the first time on appeal." OSBORN V PUBLIC HOSPITAL 80 wn 2d 201, 492 P 2d 1025 (1972):

WHERE AND HOW THE FEDERAL QUESTIONS RAISED:

SEE: APPENDIX Q-1 Through Q-10: (Superior Court)

APPENDIX R-1 Through R-29: (State Supreme Court)

STANDING
JUSTICABILITY

Appellees have no eligible right to a court trust fund. There is no stare decisis to uphold a disbursement of court trust funds to pay compensation to F. V. Betts under the circumstances of this case in which he will-not declare his rendered services, and the record proves malpractice acts of an attorney.

There is standing by Constitutional promises and the violation of those promises as the system has done.

Standing appears in the absence of authority, laws, rules, and and the theory of Appellee absent in the Federal Constitution.

"Standing" is right on point in the authority of IN MATTER OF ALBANO, IN RE YENGO (SC Of NJ 1978) 72 NJ at 450, 371 A 2d 41:

> "Chief Justice Hughes observed that the poorest, weakest, most hapless or illiterate standing before an American Court is entitled to exactly the same respect, rights and hearings as would be the Chief Justice of the United States Court and similarily accused."

The Court Trust Fund is $5,583.90 which F. V. Betts is barred. The issue is that he as an attorney has forfeited by law all rights to compensation. He admittedly states he only wanted to estop the funds from escheating to the state. Whether this appellant keep this fund or returns it to the state is my business and my property.

The malpractice acts are set forth in Cause 864509. Both Superior Court and State Supreme Court had access to the entire Clerk's Papers.

> "Ruling of highest court of state that ruling of state Court upon former trial became law of case does not effect power of Supreme Court of United States to re-examine question."
>
> 28 USCS §1257 p 701 Note 175:
>
> "Matters of State Practice"
> Davis V O'Hara (1924) 266 US 314:
> 69 L Ed 303, 46 S Ct 104:

A separate exhibit was presented to both state courts: CP Complaint #1 and Affidavit of Lack of Standard of Care" Cause 864509:

The "rendered services" are in the lawsuit #864509.

> "The Supreme Court, upon the determination of an appeal will consider the records of another suit between substantially the same parties, and judgment rendered in which constitutes the basis of the defense in the case at bar."
> 2A United States Supreme Court Digest 469 §986::141 US 240, 11 S Ct 985, 35 L Ed 713: Butler V Eaton:

> "No man shall take advantage of his own wrong." Lightbody v Russell 45 NYS 2d 15, 17:

Standing and justicability follow denial of access to the courts, a right of all citizens of the United States of America. Payne V Superior Court of Los Angeles County 132 Cal RPTR 405 (1978), 17 C 3d 908:

A meaningless appeal, caseload-trauma, gives standing. Once states have established avenue of appellate review, these avenues must be kept free of unreasoned distinctions that can only impede open and equal access to the courts. USCA §1 14th Amendment Note 602 p 644:

CASES BELIEVED TO SUSTAIN JURISDICTION OF UNITED STATES SUPREME COURT

Appellee Betts made a motion to disburse court trust funds to pay himself contingency fees and in silence refused to account for the rendered services - - which on the record are malpractice acts, omissions and legal wrongs. The superior court issued the order to disburse. The State Supreme Court, even though in doubt, denied direct review.

I: The case of SEVENTH ELECT CHURCH V ROGERS 102 Wn 2d 527 (1984-Sept) involves the law firm of F. V. Betts. (Betts, Patterson & Mines). The subject matter is "fees". The case was taken DIRECT REVIEW. (State Supreme Court-Wn)

There is bias, prejudice, discrimination that Beatrice Koker is cast aside with no direct review, not even discretionary review, and it is the same subject matter AND EVEN THE SAME LAW FIRM, and given direct review in the State Supreme Court of Washington.

Beatrice denied any review.

In the case of the SEVENTH ELECT CHURCH V ROGERS (supra) Betts, Patterson & Mines represented the defendant Rogers who must pay a judgment of $2,500,000. to the "Church". The plaintiff (Church) instigated supplemental proceedings to satisfy the judgment.

There have been three appeals dealing with the defendant's refusal to answer questions in supplemental proceedings, and numberous adjudication of assets fraudulantly transferred by the defendant since supplemental proceedings were initiated. There are numerous federal and state actions currently pending against defendant Rogers outside the state.

William P. Fite, a member of Betts' law firm (Betts, Patterson & Mines) were requested to answer questions pertaining to the amount, source and manner of payment of legal fees to that law firm, paid to them by Mr. Rogers.

The law firm of Mr. Betts refused to answer these questions regarding the amount of fees, the source, and manner of payment.

The Superior Court of King County gave orders directing the attorneys to answer the question of legal fees received by that firm on or behalf of Gerald Rogers. The law firm is to set forth the amount of each payment, the date of payment received, to identify and provide the address of each person or entity remitting payments to this firm, and the form of each payment received by them such as cash, check, wire transfer and so forth. Each payment must identify the bank, branch and account name upon which each payment was drawn.

The State Supreme Court held that neither attorney-client privilege or attorney's ethical duties prevented disclosure. Orders affirmed.

Frederick V. Betts of the same law firm refused by silence to reveal the basis for his "rendered services contingency fees." His rendered services on record are repugnant legal malpractice acts, denied summary judgment. Appellate Court technicality protected Betts again.

P28 Cases to Sustain Jurisdiction

II

Washington Statute RCW 60.40.030 states inquiry must be made into the facts on which the claim of a lien is founded. Mr. Betts avoided all authority in lower court and used two irrelevant cases on appeal. The authority is FORFEITURE of his fees from the record of his acts and breach of fiduciary duty to me.

In WILLIAMS V BANK OF CALIFORNIA 96 Wn 2d 860, 639 P 2d 1339 (1982) Headnote 3: "Fiduciaries -- Fees -- Breach of Duty --Effect"

> "A fiduciary which breaches its fiduciary duty forfeits its right to receive a fee for its services." AND ESMIEU V SCHRAG 88 Wn 2d 490, 499, 563 P 2d 203 (1977)

III

The Washington State Supreme Court reversed a lower court judgment and denied attorney fees because fiduciary duty was breached. In ALLARD V PACIFIC NATIONAL BANK 99 Wn 2d 394 (1983) the beneficiaries of a trust claimed trustee's sale of the sole asset of the trust was for less than fair value.

There are cases from other circuits which deny an attorney recover for attorney fees where there is a breach of fiduciary duty. IN RE LEE'S ESTATE-HURSH V. LEE 9 NW 2d 245 (1943) Headnote 7-8-9-10: p 251:

> "Appellant urges, however, that he is entitled to compensation for these additional services regardless of the contract. Our court has denied compensation to a trustee who has not faithfully performed his duties." (Cases Omitted)
>
> "It is equally well settled that an attorney at law, who is unfaithful in the performance of his duties forfeits his right to compensation. An attorney is an officer of the court, sworn to aid in the administration of justice and to act with strict fidelity to both his clients and the courts. Unquestioned fidelity to their real interests is the duty of every attorney to his clients. When a breach of faith occurs, the attorney's right to compensation is gone." (Emphasis Mine)

In 1 UNITED STATES SUPREME COURT DIGEST 722 §73 d. it says:

> "An appeal lies from a decree in equity for costs, when they are directed to be paid out of a fund in the hands or under the control of the court." (Case Omitted)

Whether ancient, just old, or recent as 1984, one fact is steadfast, that fiduciary duty to a client comes first and no fees can be paid to compensate a wrongdoer.

In the authority of MAHONE V SOUTHERN TELEPHONE CO., 33 Fed 702 (1887) justice would-not allow payment for wrongdoing, nor disbursement of funds in court. "Attorney-Client -- Lien for Services". Justice Hughes delivering the judgment said: (Page 704):

> "When the petition of these counsel for an allowance out of the general fund in court was before me, I had no hesitation in dismissing it. The labors of these counsel were adverse to the purposes of the suit, and wholly obstructive. They were not directed to the benefit of the fund, and did not inure to its benefit. There was, in my opinion, no imaginable ground on which against the fund, on their part, could be rested, and their petition was dismissed."

"AGGRIEVED"

KINGSLEY V DELANO 172 Mass 37, 51 NE 186:

OPENSHAW V OPENSHAW 105 Utah 574, 144 P 2d 528:

> A plaintiff is aggrieved by a judgment in his favor if it is-not rendered for all he claimed in his declaration.

In the authority of GALELLA V ONASSIS 353 F Supp 196, and 487 F 2d 986 (1973) Quote:

> "The claim that this constitutional right runs only against "state Action" overlooks the fact that the act of the court - - even the entry of a judgment denying relief - - is state action within the meaning of the 14th Amendment."
>
> "Conduct of an officer of state court constitutes "state action" within the meaning of the due process clause." 16 AM JUR §823: Constitutional Law

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In the case of Bazzoil V Larson 178 NE 331, 332, 40 Ohio App 321 Const art, 4 and 6:

> "Person deprived by court order of remedy which he would otherwise possess is "deprived of substantial right" as regards review."

Direct review plus the ultimate denial of discretionary review to Beatrice Koker, the exception to their justice. In O'CONNOR V MATZDORFF 76 Wn 2d 589, 456 P 2d 154 (1969) p 592: It Says:

> "We have said that we will assume original jurisdiction when application involves "interests of the state at large or of the public, or when it is necessary to afford an adequate remedy." STATE exrel PACIFIC BRIDGE CO V WASHINGTON TOLL BRIDGE AUTHORITY 8 Wn 2d 337, 112 P 2d 135 (1941):
>
> "Although only an individual's right is being asserted in this proceeding, the question to be decided involves very deeply the interests of the public and in particular those of a regrettably large segment of our society. The right of the poor to obtain redress for wrongs, and to defend themselves when sued by the more affluent, is presently of nationwide concern, as is evidenced by the attention given to the subject in legal periodicals."

p 593:

> "We are convinced that the question presented in this case is of such significant public import and urgency that we are justified in assuming original jurisdiction."

The question presented in the case at bar is of such public import as to justify original

In JACKSON V GRIFFITH 421 So 2d 677 (1982) the attorney sued client for attorney's fees. The client signed written instrument agreeing to pay the attorney a fee of $4,000. The agreement was found to be void because of the wrongdoing by the attorney. The court denied the claim for $4,000. but awarded $1,500. The district Court of Appeals of Florida reversed stating attorney displaying conduct sufficient to void agreement in law should not be allowed to profit from his blatantly unprofessional conduct in equity.

In GRINER V FOSKEY 282 SE 2d 150, 158 (1981) where contract between attorney and client is-not in writing, the statute of limitation on the debt is four years.

Please note: There was never a written contract. The lien was filed February 27, 1978.

"An appeal lies from a decree in equity for costs, when they are directed to be paid out of a fund in the hands or under the control of the court." (Case Omitted) 1 UNITED STATES SUPREME COURT DIGEST 782 §73 d.:

There has never been a ruling on the merits of Cause 864509 in State Courts nor appeal. This is the case holding the malpractice acts of F. V. Betts and those acts he now transposes to "rendered services".

From the United States Supreme Court Reports Vol 75 L Ed 2d No. 1 April 12, 1983 advance sheets. Quote:

"(CAUTION: It should be noticed that the court's refusal to accept a case for review should not be considered to be an indication of the court's view on the merits of the case.")

"(Caution: While dismissals of appeals are binding precedents for the lower courts, denials of certiorari have no precedential force. Shaw v Delta Air Lines, Inc (1983) US ,77 L Ed 2d 490, 103 S Ct 2890)

PLEASE TAKE JUDICIAL NOTICE ALL APPEALS DENIED CERTIORARI OR PETITION FOR REVIEW OR DENIED.

In BARR V WALL 62 So 2d 551 (La Ct App 1953) a lawyer was denied contingency fees contract when he failed to perform.

In the instant case the legal malpractice is denied summary judgment, the proven acts are still on the record not adjudicated. The courts have awarded compensation under manifest error. In his answer to my pleadings in State Supreme Court Document 016 p 6, it says:

> "Mr. Betts only requested the funds due to him in order to prevent them escheating to the state."

My adversary did-not even mention his rendered services. He calls the legal malpractice "issues that should be laid to rest." Then he plucks the court trust funds to pay for acts he refuses to mention even when he knows they are on record for anyone to see.

The malpractice acts laid down in Cause 864509 - Appeal 9346-1-I are relevant as to what this man expects to be paid about.

24 FR Serv 893 56c.6 - Quoting Mr. Justice Holmes:

> "Whether the right was denied or not given due recognition by the (state court). . . is a question as to which plaintiffs are entitled to invoke our judgment."

Appellants respectfully invoke the jurisdiction of the United States Supreme Court because of the meaningless appeal. The State Supreme Court and the Superior Court of the State of Washington have not given due recognition to the issues of this case, nor the public interest, public concern and public importance. Federal Constitution ?

The State Supreme Court Justices did-not make judicial rulings in this appeal. Their only participation was to "modify" the judicial rulings of ministerial inferior officers of the court, which the Constitution of the United States does not permit nor recognize.

ARTICLE III Note 66 and 67:

"The creation of additional procedural technicalities is particularly in appropriate in statutory schemes in which layment, unassisted by trained lawyers, initiate the process." 12B UNITED STATES SUPREME COURT DIGEST 117 §82.3: LOVE V FULLMAN CO 404 US 522, 92 S Ct 616, 30 L Ed 2d 679:

Every statute is to be read in light of the Constitution. 12B UNITED STATES SUPREME COURT DIGEST 145 §105.5(B):

Investigation by appellant Beatrice on appeal was for the purpose of "discovery" why a court highest in the state allowed clerks and commissioners judicial rulings only for the judges by law.

The State Supreme Court appointed state commission of 11 members to ferret out ways to lighten the caseload. The two statutes herein are repugnant to the Constitution that by lifting the caseload, citizens are lifted right out of the court and denied access to litigate their rights. Since this discovery was made on appeal, the statutes were not raised in trial court.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Cited And Set Forth In The Appendix as Follows:

28 USCA §1257 (2)(3): . . . . . APPENDIX K-1-2-3:

Judiciary Act Of 1789: . . . . APPENDIX L-1-2-3:

Constitution Of The United States: Entirety

ARTICLE III: Section 2: Section 1: APP M-1-2-3:4:

42 USCA §1983: . . . . . APPENDIX N-1: N-2:

14th Amendment: . . . APPENDIX O-1 Thru O-9:

5th Amendment: . . . APPENDIX P-1 and P-2:

The Constitutional and Statutory Provisions involved set forth in the appendix under RULE 15 .1 (f)(v) and RULE 33.3:

Set forth in appendix PART II Part II as per reference above. Cases.

STATEMENT OF THE CASE
Superior Court APPENDIX E-2:

Appellee Betts represented Beatrice E. Koker in trial 1976 for proven permanent injuries with defense admitted liability.

After trial, Betts vanished from my case and did-not obtain me other counsel for appeal. I became pro se and made discovery of lies and concealment in trial deceiving judge, jury and client. Appeals pro se have been consistenly denied.

The malpractice acts are proven on the record and the instant case is where Betts has made motion to disburse court trust funds to pay him for his malpractice acts representing me. He was denied summary judgment on legal malpractice. Betts has forfeited his right to compensation.

APPENDIX A-1: A-2: A-3: Motion and affidavit of F. V. Betts, for disbursement of court trust funds for malpractice services rendered.

APPENDIX B-1: and B-2: Superior Court Order disbursing Court Trust Funds and Motion for Reconsideration which was denied.

Frederick V. Betts made motion and affidavit to disburse court trust funds for the purpose of his collecting contingency fees. The motion made as if the disbursement was a perfunctory proceeding, when in reality Betts was asking fees and costs for proven malpractice.

The Lien: The lien was not filed by Mr. Betts until February 27, 1978. The trial ended June 30, 1976.

Burden: The burden is on attorney in action for fees to prove by preponderance of evidence both the services rendered and the reasonable value thereof. DAILY V TESTONE 435 P 2d 24, 72 Wash 2d 662 (1967):

Betts did not meet the burden of proof. Not in writing. Not in oral. He was silent.

Contract: There is no written contract. An attorney in bad faith or fraud toward his client is-not entitled to any compensation for his services. 7 AM JUR 2d §260 and cases there.

√ FEDERAL QUESTIONS SET FORTH: APPENDIX Q-1/10:

STATEMENT OF CASE Superior Court

p 41

Unlike a jury of lay persons, the trial judge is an attorney. Thus courts have said that a judge is familiar with the standards of practice so as to make expert testimoney unnecessary. BURIEN MOTORS INC V BALCH 9 Wash App 573, 513 P 2d 582 (1973):

Abandonment of a client precludes recovery of compensation. SLADE V HARRIS 105 Conn 436, 135 A 570 (1927): HOWARD V McCARSON 215 Ala 251, 110 So 296 (1926):

The burden of proof is on the attorney in an action for fees to prove by preponderance of evidence both the services rendered and reasonable value thereof. 2WASHINGTON DIGEST B. 611 Wests Key 166(3) Wash 1967:

The motion of Betts is supplementary to judgement and ancillary. In 4 AM Jur §64 Footnote 16, it says:

> "A final order in proceedings supplementary to judgment is appealable under statutory provisions for an appeal from a final order in a special proceedings."

DIRECT APPEAL! BUT THE STATE SUPREME COURT

Lying: An attorney proven to have lied to a judge and jury in violation of the requirements of professional responsibility, cannot recover for services rendered. 7 AM JUR S260. GOLDSTEIN V LEES (2nd Dist) 46 Cal App 3d 614, 120 Cal Rptr 253:

No Assignment:
No Agreement: There was no agreement for assignment of judgment for contingency fees. Without express provision, or express stipulation to that effect, an agreement for a contingent fee will not act as an assignment to the attorney of any judgment that may be recovered by the client. 2B WASHINGTON DIGEST 604 - Wests Key 148(2):

Fiduciary: Breach of faith from fiduciary has been held to be sufficient a wrong upon which to preclude any recovery. COLEMAN V MOODY 52 Tenn App 138, 372 SW 2d 306 (1963):

Even those attorneys who act in good faith may lose the right to recover fees if he has also breached the fiduciary duty, obligations. BRYANT V LEWIS 27 SW 2d 604 (Tex Civ App 1930):

Possession: Mr. Betts never had the money judgment in his possession at any time. They were made court trust funds. Where attorney never had possession of money against which he claimed lien was not a retaining or possessory lien but was a charging lien, trial court had no jurisdiction to set attorney's fees or impose an attorney's lien against the money in a summary manner. LEE V LEE 482 P 2d 745, 5 Or App 74 (1971):

Proof: An attorney cannot recover for professional services without proof of their value. SONI V COPPEDGE 285 SE 2d 604, (Ga app 1981 Wests Key 166(3): Proof Of Malpractice.

Statute: Where the contract between attorney and client is not in writing, the statute of limitation on the debt is four years.

There was no written contract. The lien was filed Feb 27, 1978. The motion for disbursement is December 1983. That is 5 years and 10 months.

Invalid: Betts legal malpractice acts in Cause 864509 King County Washington, includes suppression and misrepresentation and lies about facts material to my injuries. In DORR V CAMDEN 46 SE 1014, 55 W Va 226, if the attorney suppresses the facts of the case, contingency fee contract will be held invalid.

Costs and Expenses: F. V. Betts refused my offer to borrow money to pay the costs and expenses. In four years preceeding the 1976 trial, Betts spent approximately $238.25. There is a skeleton file, which the trial judge commented upon. Betts has claimed this amount in his motion. In ROBINSON V HAYS 186 F 295, 108 C.C.A. 373, it says that an attorney advancing money to pay costs and expenses is held not entitled to lien on judgment for costs recovered for such advances.

Evidence: In the lawsuit relevant to trial 1976 Cause 864509 CP FILE #1 Paragraph 1.89 Beatrice claimed waiver of contingency attorney fees of Frederick V. Betts. He did-not protest.

He submits opinions of prior appeals which are irrelevant to the issue of contingency fees disbursed from a court fund, for services rendered which Betts will not talk about.

It is a settled rule in Supreme Court of the United States never to allow counsel on either side to be paid out of a fund in dispute. HAUENSTEIN V LYNHAM 100 US 483, 25 L Ed 628:

*** In 2 UNITED STATES SUPREME COURT DIGEST 627 §822 "Opinion Of State Court" quote:

a. "The opinion of the state court constitutes no part of the record, and cannot be looked to as the foundation on which the Supreme Court will take or refuse jurisdiction." (Case Omitted)

*** In 1 UNITED STATES SUPREME COURT DIGEST 743 §89 "State Courts" Quote:

a. "The supreme court will not review the state court's affirmance of the lower court's denial of new trial." (Case Omitted)

*** 2 UNITED STATES SUPREME COURT DIGEST S910.8 (b)(c)"Effect Of Denial." Quote "Denial of writ of certiorari imports no expression of opinion upon the merits of the case."

STATEMENT OF THE CASE
State Supreme Court
Of Washington State

DOCKET SHEET APPENDIX
E-1-2-3-4-5-6-7:

Appellee Betts, from my own knowledge and experience, has been indulging in wrongful acts for at least the past fiften (15) years. To my knowledge the courts have not made him account for his wrongdoing. He was held liable to pay for bad faith and negligence JUDGMENT, but that is not personal accounting so as to remove from the professional level a, in my opinion, dangerous representation for trusting citizens.

The checks and balances Constitutionally provided are not following the Constitution. The Superior Court shall be checked by the Appellate court, and that court in turn by the State Supreme Court. If all fails in the State, then the United States Supreme Court shall jurisdiction oppose any Constitutional Rights abolished in a state. FED QUEST R-1: Thru 29:

The past over-eight-years are permeated with rulings and orders and opinions of court biased, prejudiced, discriminatory, obviously protecting an attorney in wrongdoing by evading and avoiding and ignoring a pro se whistle-blower who proved reprehensible acts of attorneys.

The statement of the case in the appeal to State Supreme Court here in Washington, in the case at bar is "MEANINGLESS APPEAL". The Courts across this land are in a caseload dilemna, which has become a court-trauma. The facts will show this prevalance in the instant case, where the pro se litigant is the "first to go". CLEAR THE COURT CALENDARS.

The Superior Court motion to disburse court trust funds ended with the denial of motion for reconsideration on February 9, 1984. I had put in an appeal for direct review on February 6, 1984 when the 30 days to appeal expired. A Supplementary Appeal was filed February 10, 1984. (When Reconsideration denied)

The Supreme Court clerk and commissioner refused direct review and the commissioner then ultimately refused discretionary review, the silent judges refused me oral argument and upheld the judicial rulings of the ministerial section of their court.

What could be of more broad public import than disbursing a court trust fund to F. V. Betts who had used the people's money for a trial of deceit, betraying his client Beatrice Koker. He had been denied summary judgment for malpractice acts. The Supreme Court of the State is the sole jurisdiction over attorneys acts. To disburse trust funds from a court is shock to people.

Direct review cases accepted by State Supreme Court included refund on part of leasehold excise taxes, taxation on interrment certificates and other cemetery business, trespass to timber, damage to property, quiet oceanfront property title, even dissolution

of a handicapped person. But the case under the sole and direct jurisdiction over attorneys is even turned down discretionary review? The judges did-not rule, buty upheld the unconstitutional judicial rulings of the clerk and commissioner on the procedure "to modify."

In addition the court trust fund that had no rightful claim from Betts, is given him gratis for legal malpractice acts. Making then an issue of equal protection that any other litigant under my circumstances with legal malpractice rendered services shall be liable for attorney fees to profit a man from his wrong with court approved unjust enrichment?

My 37 pages of reasons for direct review asked by the court, in addition to grounds for review in the Notice of Direct Appeal, and the Supplementary Appeal, discounted and they rule "discretionary" on 13 lines from Betts.

The court clerk asked Betts to respond to the pleadings. He had not answered any

pleading in lower court as to his rendered services. The issues on appeal concerned mainly disbursement of court trust fund to compensate legal malpractice acts, forbidden by law. The court order was signed in court, and no copy presented to me before signing, and no copy after signing. In fact no copy to this day. My copy on this appeal is self-obtained from the file itself.

The procedure below denied me change of judges so that the summary judgment judge familiar with details of the malpractice acts, could rule on rendered services pertaining thereto. No continuance. It was a fast, swift, perfunctory proceedings that was not treated as special proceedings <u>after</u> judgment. (Years)

Betts submitted a response as asked and had not one relevant authority. He must be understood for that, because there is no authority to cover his theory of the case.

My objections to his answer are on record.

The discovery of "under color of law" was made through this response of Betts, and the details are in Jurisdiction "Under Color Of Law."

The record on appeal is permeated with the denials of Constitutional Rights and Constitutional rulings.

The commissioner opinion simply discarded the whole case. He who has his personal law clerks says in essence he could not even make a summary of my case. He ignored totally the issues of relevance to court trust funds and the rendered services without accounting. How does one account for legal malpractice?

The bias and prejudice and discrinination shows in the record when a clerk and commissioner in every method at their disposal got this case out of the court never to be heard.

I appealed the ruling and the court refused to "modify." No oral argument allowed when the Justices themselves in WASHINGTON APPELLATE PRACTICE advocate oral argument.

I made motion reconsideration of the Justices "modify" ruling and the clerk of the court "filed with no further action." I appealed to the Justices in the only way available "to modify" the clerk who has no right to make such a ruling. His reason concerns RAP 12.4

The Justices made their "modification" denial August 10, 1984. A clean sweep to lift the caseload.

(At all times to help lift the burden on the personnel, I made 5 to 9 copies of all my documents submitted to the court.)

On September 12, 1984, objections were filed by this appellant. The second "filed with no further action" followed from the clerk. The document is filed. The letter is in the APPENDIX C-13; The main body of this letter admits my objections to the meaningless appeal, to denial of federal rights and civil rights have been considered by the commissioner and

and the Justices and ruling all against me. Denial of everything. Such a meaningless appeal surely must qualify for jurisdiction of the United States Supreme Court.

What should have been a rather uncomplex appeal, grew into a pyriamid of denials of rights by the court itself, in addition to a blatant equal protection intercept in giving an attorney compensation for malpractice acts which by law cannot be done, and which the courts of this state have never done. From now on, any attorney in similar circumstances must be given compensation no matter what wrong he does.

It must also be taken into consideration, that then attorneys cannot be disbarred if they are paid for disbarment acts.

The precedent repercussions will be far-reaching in this state. The umbrella of protection and the favoritism of this attorney stems from my being a pro se and a midde aged woman as there is no reasonable answer otherwise.

The matters between me and a former attorney are not a long-standing feud. This is a matter of a client being legally annihilated from the actions of her attorney aiding and abetting another attorney in a trial. The Judge of the trial openly states the case is puzzling in 1976, and that if he had been the trier of the fact, the jury award of $4,600. would have been far greater from that Judge.

A permanent injury and $20,000. borrowed before trial is awarded a pittance of deceitful money because of my own attorney is hardly to be considered a "feud" when the crippled client seeks restitution.

Over eight years in courts is my lot from betrayal and injustice. The caseload of the court is also an enemey. The discovery leads to whistle-blowing. Attorneys have told me I have been shafted. That middle-aged woman without an education shall never prevail against an attorney. To allow the pro se to win because she is right would be an insult to the system.

This is not a long-standing feud. This is a long-standing denial. Over eight years in courts pro se is my lot from betrayal and injustice. The caseload congestion of courts is my enemy. Discovery of wrongdoing and wrongdoers leads to whistle-blowing and then discrimination and bias and prejudice.

References so you know my respect for the system and judges and justices and the legal profession itself is sincere. "REFERENCES" APPENDIX S-1 THROUGH S-4: AND APPENDIX G-20:

The appendix relating to the State Supreme Court will be found in APPENDIX C-13 which shows the federal questions are considered. APPENDIX C-1 through C-13 contains the orders, correspondence, denials from the State Supreme Court. APPENDIX D-1 and D-2: two telegram filings. APPENDIX E-1 THROUGH E-7: is the index to the docket filings on State Supreme Court Appeal.

A meaningless appeal.

STATEMENT OF THE CASE- ~~Superior~~ Supreme Court

WHERE AND HOW THE FEDERAL QUESTIONS RAISED

The: Superior Court
The: State Supreme Court

The federal right is-not required to be pleaded in any special or particular form. Section 237 of the Judicial code does-not require that the statute creating the federal right shall be specially set up. The courts take judicial notice of the statute. It is the right, privilege or immunity of Federal origin which must be brought to the attention of the state court.

In GREEN BAY & MISSISSIPPI CANAL CO V PATTEN PAPER CO., 172 U.S. 58, 67, it said:

> "But no particular form of words and phrases has ever been declared necessary in which to claim Federal Rights must be asserted. It is sufficient if it appears from the record that such rights were specially set up or claimed in the state court in such manner as to bring it to the attention of the court." 28 USCS §1257 B

In ROBY V COLEHOUR 146 US 153, 159 it was said that the jurisdiction of the United States Supreme Court being invoked on,

on the ground that a right or immunity, specially set up and claimed under the Constitution or authority of the United States, has been denied by the judgment sought to be reviewed, it must appear from the record the case either set up that right and expressly denied, or that such was the necessary effect in law of the judgment.

If it appears from the record, by clear and necessary intendment, that the Federal question must have been directly involved, so that the state court could not have given judgment without deciding it, that will be sufficient. POWELL V BRUNSWICK COUNTY 150 U.S. 433, 440: SAYWARD V DENNY 158 U.S. 180: CHICAGO, BURLINGTON &c. RAILROAD V CHICAGO, 166 U.S. 226:

It has never been required that a Federal right must be denied in terms, but it must have been that the state court necessarily denied it in the judgment rendered to be sufficient.

"The WHERE AND HOW FEDERAL QUESTIONS RAISED" WILL BE SET FORTH IN TWO PARTS.
I Superior Court. II State Supreme Court.

The meaningless appeal created Federal Questions above and beyond the federal questions in the Superior Court, with the same resultant deprivation of Federal Rights adverse to the Constitution of the United States.

In the appendix there is a statistical index referencing the CP numbers under Supreme Court Docket 020 certified as an Exhibit under affidavit properly filed. Superior Court: APPENDIX: F-F-1 and F-2:

The second statistical index in the appendix names and numbers the Supreme Court Docket Numbers of the meaningless-appeal files.

APPENDIX: E-1 Through E-7:

SET FORTH APPENDIX

√ Superior Court: APPENDIX Q-1 THROUGH Q-10:

√ Supreme Court: APPENDIX R-1 THROUGH R-29:

REASONS FOR GRANTING THE WRIT AND WHY THE QUESTIONS ARE SO SUBSTANTIAL

The unconstitutional element of this controversy involves disbursement of a court trust fund to compensate an attorney, when the record clearly proves Appellee's rendered services representing a client, are malpractice acts denied summary judgment. There is forfeiture of fees by law.

Access to the courts is the very premise upon which our Constitution is founded. The caseload in this state has intercepted the rights of appellants and blockaded the only means for proper disposition.

Victims of the caseload are the citizens, but neither do the Courts, Judges, Justices, Clerks, Commissioners, Law Clerks and Attorneys remain free of the overload in the courts.

The Courts have become Caseload-Camps and there is no longer room for the People.

The meaningless appeal is a substantial reason for review in your court. The attempted state remedies to control the caseload and even includes openly a Court Congestion Act deliberately. There is infraction upon the Constitution Law of the Land to control the caseload by raising court fees, thus financial choas denying access to the courts.

The case at bar is an example of the entire system of justice in jeopardy when a court ruling profits a man from a wrong, is given unjust enrichment, and has unclean hands, commits color of law to obtain court trust funds for himself while the order is in issue on appeal and he knows it.

All elements in this jurisdictional statement are substantial reasons for grant-this appeal. The system of justice is eroding from attempts to life the caseloads none of which has helped. The questions become more substantial when applied on a national basis both Federal and State.

CONCLUSION

The calendar crisis both State and Federal is so severe it threatens the courts' ability to effectively discharge vital responsibility, as Justice Burger and Justice Brennan have declared.

The repugnant statute of Court Congestion Act in the State of Washington raises the docket fee to lift the caseload which only denies people access to the court. Justice Rehnquist calls for absolition of absolute right to appeal in The Seattle Times/Seattle Post-Intelligencer Sunday, September 16, 1984 and says: (Asking for changes in the system)

> "The changes would include allowing federal appellate panels to refuse to review appeals from lower-court trials, Rehnquist said in a speech at the University of Florida Law School."
>
> "The result is a system ideally suited to a lawsuit by General Motors against IBM - -.- -"

Next to the article About Justice Rehnquist is an article that Justice Thurgood Marshall disagreed protecting the citizens rights.

There is an appearance of trauma and hysterical reaction to the congested court calenders, which yield to "try this" or "try that" to lift the caseload. Justice has become a hazardous obstacle court and sincere and legitimate claims of litigants has little chance to survive.

The Federal Constitution right to access to courts is guaranteed by the 14th Amendment and Amendment V and includes access to all courts, both state and Federal. Is the caseload to thwart that right?

There is public disrespect for the court system and the caseload domination is the reason why. This appeal enters the crux of caseload deprivation of Constitutional rights and the harm caused and shows the disrespect for courts is only the public conern, interest and most of all PUBLIC FEAR of the demise of our Constitution. That Constitution can be activated only by the elements of control of

the Judiciary and the legal profession. The destruction of many a massive dike began with a very small leak.

"Discretionary" is the key word to lift the court caseload, and I am also a victim of the same. The substituting of Commissioners and clerks to judicial rulings is to lighten the caseload for the Judges, but nevertheless is unconstitutionally denying access to Court.

The Superior Court is evermost weighing their decisions on the caseload of appeals. Where is there any law disbursing court trust funds to an attorney who committed legal malpractice acts?

I ask respectfully that you void the entire motion and appeal, and leave the trust fund in the Superior Court which shall then remain my property to do with as one who owns property has the right in whatever manner wished. The court trust fund will then be freed of the unconstitutional obstacles attached wrongfully.

P 6 4 Conclusion

The appellants are seeking the supervision of the United States Supreme Court, invoking the Court's jurisdiction in this appeal from the State Courts of Washington who have so departed from the accepted and usual course of judicial proceedings and has sanctioned such departure from the accepted and usual course of Judicial proceedings by a lower court as to call for the exercise of the supervision from the highest court of the land.

This appeal is in your jurisdiction for disbursement of a court trust fund in the hands or under control of the courts for forfeited attorney fees and costs.

This case is left with you, hoping it shall be decided on principles of substantial justice. This case is precedent in presentation to you on show-cause that the caseload is terminal to justice.

Submitted
Respectfully,

Beatrice E. Koker

Beatrice E. Koker
939 North 105th St.
Seattle, Washington
98133
PRO SE

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 5th
DAY OF December 1984.

Suzanne M Peralta

NOTARY PUBLIC IN AND
FOR THE STATE OF WASHINGTON
RESIDING AT Lynnwood

P65

CERTIFICATE OF SERVICE

I, Beatrice E. Koker, Appellant, hereby do certify that I made service of 3 copies (three copies) each of the Jurisdictional Statement and three copies (3) each of Part I and Part II of the Appendix upon:

BETTS, PATTERSON & MINES, P.S.
Frederick V. Betts
800 Financial Center - PERSONAL SERVICE
1215 Fourth Avenue
Seattle, Washington 98161 (206) 292-9988:

AND

I, Beatrice E. Koker, Appellant, hereby do certify I made service of the same on the:

ATTORNEY GENERAL OF THE STATE OF WASHINGTON
Mr. Ken Eickenberry CERTIFIED MAIL
TEMPLE OF JUSTICE
OLYMPIA, WASHINGTON 98504 (206) 753-6200:

NOTICE OF APPEAL FROM STATE SUPREME COURT OF STATE OF WASHINGTON TO THE UNITED STATES SUPREME COURT * JURISDICTIONAL STATEMENT AND APPENDIX DUE DECEMBER 10, 1984:

Done this day of December 7, 1984.

Beatrice E. Koker
Beatrice E. Koker, Pro Se
939 North 105th Street